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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,593	12/03/2003	Angelo Joseph Kusber	1183.1101101	8969

28075 7590 06/21/2005

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MINNEAPOLIS, MN 55403-2420

EXAMINER

RAMIREZ, RAMON O

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/728,593

Applicant(s)

KUSBER ET AL.

Examiner

RAMON O. RAMIREZ

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 19 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-14, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 5 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Detailed Action

This is the fourth Office Action corresponding to communication filed June 13, 2005. The application contains 20 claims; claims 19 and 20 stand withdrawn from consideration by the examiner.

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. A new rejection follows. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

Claims 1, 2, 6-12, and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rudolph (2,809,002) in view of DiMarco (6,654,253), or Zetena, Jr. (5,243,802).

The patent to Rudolph discloses a hanger assembly comprising two slidable connected sections (26, 27) each having a flange (32, 38) with holes for receiving fasteners for securing the hanger between two structural members.

The patent to DiMarco discloses at Fig 8 a fastener (800) having a keeper or retaining element (802) which avoid the removal of the fastener.

The patent to Zetena, Jr. discloses a fastener (7) and a retaining means (9 at Fig 1, or 25 at Fig 7) which is a threading engagement.

Art Unit: 3632

It would have been obvious to one skilled of the art at the time the invention was made to have provided the device shown by Rudolph with a pre-secured fastener to facilitate securing the hanger to the structural members, for avoiding to look for a fastener and hold it while driving the fastener, or to avoid loosing fasteners while securing the fastener as shown by both DiMarco and Zetena, Jr. With respect to the use of a pilot hole, this practice is well known in the art to facilitate driving the fastener. With respect to the method claims, the device set forth above can be used following the recited method. Screws, nails, bolts, etc are all fastener means and considered to be mechanical equivalents and their use of one over the others is considered a matter of expediency.

Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rudolph (2,809,002) in view of Zetena, Jr. (5,243,802).

As indicated above the patent to Zetena, Jr. discloses a threading engagement for retaining the fastener means. It would have been obvious to provided the device shown by Rudolph with a threading engagement as shown by Zetena, Jr. for presecuring the fastener means.

Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rudolph (2,809,002) in view of DiMarco (6,654,253).

As indicated above the patent to DiMarco discloses an engagement means for retaining a fastener means that further avoids removal of the fastener. It would have been obvious to one skilled in the art at the time the invention was made to provide the device shown by Rudolph with the engagement means of DiMarco to avoid removal of the fastener.

Allowable Subject Matter

Claims 5 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMON O. RAMIREZ whose telephone number is (571) 272-6821. The examiner can normally be reached on MONDAY-FRIDAY, IST FRIDAY OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor ROBERT OLSZEWSKI, can be reached on (571) 272-6788.

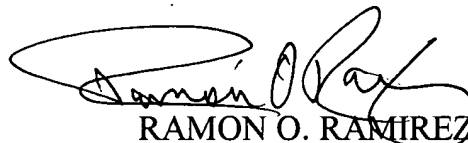
The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3632

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A shortened period for response to this Office Action expires THREE MONTHS from the mailing date of this action.

ROR
June 15, 2005



RAMON O. RAMIREZ
Primary Examiner
Art Unit 3632